

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JACKIE HOSANG LAWSON,)	
)	
Plaintiff,)	
vs.)	
FMR LLC, dba FIDELITY INVESTMENTS;)	CIVIL ACTION NO.: 1:08-cv-10466 DPW
FMR CORP., dba FIDELITY INVESTMENTS;)	
and FIDELITY BROKERAGE SERVICES LLC,)	
dba FIDELITY INVESTMENTS,)	
)	
Defendants.)	
)	

DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

Pursuant to Federal Rule of Civil Procedure 56 and Local Rule 56.1, FMR LLC, FMR Corp., and Fidelity Brokerage Services LLC (together, "Fidelity" or "Defendants"), request that the Court enter and Order granting summary judgment for Fidelity and against Plaintiff Jackie Hosang Lawson. In support of their motion, Defendants rely on the accompanying Memorandum of Law, their Rule 56 Statement of Undisputed Facts, and supporting documents and affidavits filed herewith.

Fidelity is entitled to judgment as matter of law because there is no genuine dispute of material facts. Those facts demonstrate that in September of 2006, Ms. Lawson was passed over for a position in favor of another employee. Beginning shortly after that employee became Ms. Lawson's supervisor, Ms. Lawson's performance markedly declined. Among many other instances of unprofessionalism, Ms. Lawson disparaged her new supervisor, refused to do work assigned to her, arrived to meetings unprepared, absented herself from the office, and attempted to offer a job to a candidate her supervisors had rejected for the position.

In September and December 2006, Ms. Lawson requested a transfer out of her group, and then demanded that Fidelity give her the job she had wanted. When those demands were not met, what followed was a trickle, then a torrent, of meritless and immaterial complaints from Ms. Lawson to Fidelity. Although some of the complaints were couched as issues involving “shareholder fraud,” the undisputed facts show that every claim she raised concerned a matter that was indisputably trivial and was already known to Fidelity. Ms. Lawson cannot survive summary judgment because she cannot demonstrate a dispute of fact as to any of the elements of her *prima facie* case.

It is also undisputed that Ms. Lawson has never applied for a single job in the financial industry or anywhere else since resigning from Fidelity. Accordingly, Fidelity is entitled to summary judgment on the issue of back and front pay damages because Ms. Lawson has not attempted to mitigate her damages.

WHEREFORE, for the reasons detailed in Defendants’ Memorandum of Law and supporting documents, Defendants respectfully request that this Court enter an Order granting summary judgment in Defendants’ favor on the remaining Count. In the alternative, and at a minimum, Fidelity requests that the Court enter an Order granting partial summary judgment on the issue of back pay and front pay damages.

Dated: January 27, 2016

Respectfully submitted,

FIDELITY MANAGEMENT & RESEARCH
COMPANY, FMR CO., INC. and FMR LLC,
f/k/a FMR CORP.,

By their attorneys,

/s/ William H. Kettlewell

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Attorneys for Defendants

CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1(a)(2)

Undersigned counsel hereby certifies that she conferred with counsel for the Plaintiff who does not assent to the relief requested in this motion.

/s/ Victoria Steinberg

REQUEST FOR ORAL ARGUMENT PURSUANT TO LOCAL RULE 7.1(d)

Pursuant to Local Rule 7.1(d), undersigned counsel requests oral argument to assist the Court in deciding the issues presented.

/s/ Victoria Steinberg

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document, filed through the CM/ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies shall be served by first class mail postage prepaid on all counsel who are not served through the CM/ECF system on January 27, 2016.

/s/ William H. Kettlewell